IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No. 2569 of 2005

Between:

Padala Venkataiah, s/o.Ramaiah,

Aged about 60 years, Occupation Agriculture,

R/o.Piglipoor village, Hayath Nagar Mandal,

Ranga Reddy District

..... PETITIONER

AND

1. The Superintendent of Police,

Ranga Reddy District

2. Inspector of Police, Vanasthalipuram P.S.

Ranga Reddy District

3. Andhra Pradesh Bhoodan Yagna Board,

Ghandhi Bhavan, Nampally, Hyderabad

4. The Collector, Ranga Reddy District

Lakadi-ka-pool, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more appropriately a writ of mandamus, declaring that (1) the interference of officials of the 3rd Respondent with the peaceful

possession and enjoyment of Ac.20.00 of petitioner land in Sy.No.17/1 of Piglipoor village, Hayathnagar Mandal and (2) delay in issue of No Objection Certificate to him by the 4th respondent without any reason as illegal, arbitrary and unconstitutional and pass such other order or orders.

Counsel for the Petitioner: MR.K.VIJAYAKUMAR REDDY

Counsel for the Respondent Nos.1 and 2: GP FOR HOME

Counsel for the Respondent No.3: --

Counsel for the Respondent No.4: GP FOR REVENUE

The Court made the following:

ORDER:

By this writ petition the petitioner is seeking a direction to the 2nd respondent to give protection to his property in Sy.No.17/1 of Piglipoor village, Hayathnagar Mandal, from encroachments, threatened to be made by the 3rd respondent, alleging that the 3rd respondent who is a body created by Andhra Pradesh Bhoodan and Gramdan Act, 1965 and who has to act according to law, cannot unilaterally encroach upon the land belonging to him and so this Court has to intervene by exercising its jurisdiction under Article 226 of Constitution of India and necessary directions to respondents 1 and 2 have to be given to protect his property.

The petitioner has an effective alternative remedy of suit, where question as to title of the property between the petitioner and the 3rd respondent can be adjudicated and decided. Since in effect the relief sought by the petitioner is one for injunction restraining the 3rd respondent from interfering with his possession over the property in question, I find no grounds to admit the writ petition. The petitioner is at liberty to approach a Civil Court and seek necessary relief, for which purpose both parties shall maintain status quo obtaining as on today with respect to the property in question for a period of one week from today..

With the above observations, the Writ Petition is disposed of. No order as to costs.

Dated: 15.02.2005

Note:

Issue CC in two days

B/o

Dsr

ASSISTANT REGISTRAR

To:

1.The Superintendent of Police,

Rangareddy District

2. The Inspector of Police,

Vanasthalipuram P.S.

Rangareddy District

3. The Collector, Ranga Reddy District

Lakadi-ka-pool, Hyderabad

4. Two CCs to the Government Pleader for Home,

High Court Buildings, Hyderabad (OUT)

5. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

6. Two CD copies

Dsr/CM